

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONY HILL, #184013,

Petitioner,

Civil No: 2:06-CV-15687

Honorable Robert H. Cleland

Magistrate Judge Mona K. Majzoub

EATON COUNTY and MICHIGAN
DEPARTMENT OF CORRECTIONS,

Respondents.

FILED

JAN 11 2007

CLERK OF COURT
U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Before the Court is Petitioner's, *pro se* request for Writ of Habeas Corpus pursuant to 28 U.S.C. §1651. Petitioner, a state prisoner confined at Kinross Correctional Facility, in Kincheloe, Michigan (Chippewa County), is challenging his Eaton County criminal conviction.

A habeas petition submitted by a person in state custody may be filed in the district where the person is in custody or in the district where the person was convicted and sentenced. 28 U.S.C. § 2241(d). The district in which the petitioner files his habeas petition may transfer the petition to another district court for hearing and determination. *Id.* In this case Petitioner is incarcerated in Chippewa County, and he was convicted in Eaton County. Both counties lie in the Western District of Michigan. See 28 U.S.C. § 102(b).

It should also be noted that the habeas petition filed in this matter is significantly deficient in the following respects: (1) Petitioner's pleading is extremely convoluted; (2) there is no statement of facts regarding the circumstances surrounding his conviction; (3) it is difficult to determine the crime(s) for which he was convicted; (4) the lower court case number has a year of 1986 and there

is no indication of exactly when he was convicted. Therefore, it appears that there is a statute of limitations problem; (5) there is no indication of when or if Petitioner appealed his state court conviction; (6) the nature of Petitioner's claims is difficult to determine; (7) it is unclear why Petitioner is bringing this action under 28 U.S.C. §1651; and (8) Petitioner has failed to name the proper parties as respondents in this matter.

Accordingly, the Clerk of Court **IS ORDERED** to transfer this case to the Western District of Michigan pursuant to 28 U.S.C. § 1406(a).

DATED: _____

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF MAILING

I certify that a copy of this order was served upon petitioner on the date indicated below by first class mail.

Dated: 1/11/07

S/L ESTRADA
Deputy Clerk